

## **REMARKS**

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

### **I. Amendments to the Claims**

Claims 3, 4 and 7-14 have been cancelled without prejudice or disclaimer of the subject matter recited therein.

Further, independent claims 1, 5, 6 and 15 have been amended to clarify features of the invention recited therein and to further distinguish the present invention from the references relied upon in the rejections discussed below.

It is also noted that claims 1, 2, 5, 6, and 15 have been amended to make a number of editorial revisions thereto. These editorial revisions have been made to place the claims in better U.S. form. Further, these editorial revisions have not been made to narrow the scope of protection of the claims, or to address issues related to patentability, and therefore, these amendments should not be construed as limiting the scope of equivalents of the claimed features offered by the Doctrine of Equivalents.

### **II. Claim Objections**

Claims 1, 2, 5, 6, 14 and 15 were objected to for reciting functional language (i.e., “operable to”). Additionally, the objection requests that claims 1, 2, 5, 6, 14 and 15 be amended to recite positive limitations.

Claims 1, 2, 5, 6 and 15 have been amended to replace the “operable to” language with positive/active limitations, as requested in the objection. Therefore, for the above-mentioned reasons, withdrawal of this objection is respectfully requested.

### **III. 35 U.S.C. § 112, Second Paragraph Rejections**

Claims 1, 2, 5, 6, 14 and 15 were rejected under 35 U.S.C. § 112, second paragraph for being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. This rejection is believed clearly inapplicable to amended claims 1, 2, 5, 6 and 15 for the following reasons.

Specifically, claims 1 and 5 were rejected for reciting “reference destination information of the upper-level resource and a predetermined usage rule for identifying a view license . . . ,” which allegedly would not provide a person of ordinary skill in the art with sufficient information to determine whether the reference destination information refers to an “upper-level resource . . . for identifying a view license,” or whether only the predetermined usage rule is able to identify the view license.

Claims 1 and 5 have been amended to clarify the above-mentioned phrase identified by the Examiner as being indefinite. Specifically, claims 1 and 5 now recite that “each respective piece of license information identifies a view license required for viewing all or part of the resources contained in the content, each respective piece of license information corresponding to one of reference destination information of the upper-level resource and a predetermined usage rule.” Thus, in view of the above, it is submitted that it is now clear that each piece of license information corresponds to one of reference destination information and a predetermined usage rule.

Therefore, for the above-mentioned reasons, it is respectfully submitted that the above-mentioned portion of the 35 U.S.C. § 112, second paragraph rejection is no longer applicable to amended claims 1 and 5, and, as a result, withdrawal of this portion of the 35 U.S.C. § 112, second paragraph rejection is respectfully requested.

Furthermore, claims 1, 6, 14 and 15 were rejected for reciting “setting … view licenses,” which allegedly would not provide a person of ordinary skill in the art a clear understanding of the claimed invention. Claims 1, 6 and 15 have been amended to recite “setting, for view processing, all view licenses identified by the plurality of pieces of license information provided from the server and executing the view processing on a resource provided from the server by using all the view licenses set for the view processing.”

Thus, in view of the above, it is respectfully submitted that the above-mentioned phrase identified in the rejection is no longer vague and indefinite, since it is clear that all view licenses are set for view processing and that the view processing is executed on a resource provided from the server by using all the view licenses set for the view processing.

Therefore, for the above-mentioned reasons, it is respectfully submitted that the above-mentioned portion of the 35 U.S.C. § 112, second paragraph rejection is no longer applicable to amended claims 1, 6 and 15, and, as a result, withdrawal of this portion of the 35 U.S.C. § 112, second paragraph rejection is respectfully requested.

Additionally, claims 1, 2, 5, 6, 14 and 15 were rejected under 35 U.S.C. § 112, second paragraph for being narrative and indefinite. As mentioned above, claims 1, 2, 5, 6, and 15 have been amended to improve their U.S. form. As a result, withdrawal of this portion of the 35 U.S.C. § 112, second paragraph rejection is respectfully requested.

#### **IV. 35 U.S.C. § 101 Rejection**

Claim 14 was rejected under 35 U.S.C. § 101 for failure to recite statutory subject matter. However, this rejection is considered moot based on the cancellation of claim 14. Thus, in view of the cancellation of claim 14, withdrawal of this rejection is respectfully requested.

#### **V. 35 U.S.C. § 102 Rejection**

Claims 1, 2, 5, 6, 14 and 15 were rejected under 35 U.S.C. § 102(e) as being anticipated by Alkove (U.S. 2004/0143760). The rejection regarding claim 14 is considered moot based on the above-mentioned cancellation. Further, this rejection is believed clearly inapplicable to amended independent claims 1, 5, 6, and 15 for the following reasons.

Amended independent claim 1 recites a content distribution system comprising a server and a receiving terminal. Further, claim 1 recites that the server comprises a content storage section for storing a content, the stored content including (i) an upper-level resource to be first referred to within the content and to be displayed, (ii) a lower-level resource to be referred to from the upper-level resource and to be displayed, and (iii) a startup document providing a plurality of pieces of license information, each respective piece of license information identifying a view license required for viewing all or a part of the resources contained in the content. The Alkove reference fails to disclose or suggest the above-mentioned distinguishing features required by independent claim 1.

Initially, it is noted that the above-mentioned rejection states that the upper-level resource stored in the content storage section, as recited in claim 1, corresponds to reference numbers 202-1 to 202-N and 202, as illustrated in Fig. 2 of Alkove, and states that the lower-level resource stored in the content storage section, as recited in claim 1, corresponds to reference

numbers 204-1 to 204-N and 204, as illustrated in Fig. 2 of Alkove. Furthermore, the above-mentioned rejection states that the entire data file 114, as illustrated in Fig. 2 of Alkove, corresponds to the startup document, as recited in claim 1.

However, Alkove merely teaches that the group of reference numbers 202, as illustrated in Fig. 2, is an information header, and that the group of reference numbers 204 is data identified by the information header. Specifically, Alkove teaches that the information header is for mapping encrypted data and the data identified by the information header is the encrypted data (see paragraphs [0028] and [0029]). Additionally, Alkove also teaches that the data file 114, includes the headers 202 and the data objects 204 (see Fig. 2 and paragraphs [0019] and [0020]).

Thus, in view of the above, although Alkove teaches that an information header maps encrypted data included in the data file, Alkove still fails to disclose or suggest that the content includes (i) an upper-level resource to be first referred to within the content and to be displayed, (ii) a lower-level resource to be referred to from the upper-level resource and to be displayed, as required by claim 1.

In other words, the group of reference numbers 202 and 204 as disclosed in Alkove is information which is not displayed (i.e., header information for mapping data). However, as recited in claim 1, the upper-level resource and the lower-level resource included in the content are resources that are displayed.

Additionally, in view of the above, it is apparent that Alkove teaches that the data file 114 contains the headers (group of reference numbers) 202 and data (group of reference numbers) 204, but fails to disclose or suggest that the content includes the upper-level resource, the lower-level resource, and the startup document providing a plurality of pieces of license information,

each respective piece of license information identifying a view license required for viewing all or a part of the resources contained in the content, as required by claim 1.

In other words, the above-mentioned rejection states that the entire data file 114, as disclosed in Alkove, corresponds to the startup document, as recited in claim 1. However, the data file 114 of Alkove includes the header 202 and the data 204, which is a structure that cannot be said to disclose or suggest the content including the upper-level resource, the lower-level resource, and the startup document, as recited in claim 1, because the startup document does not include the lower and upper level resources but is rather included in the content that also includes the lower and upper level resources.

Amended independent claim 1 also recites that the server includes a communication processing section for (i) receiving a presentation request for a resource from the receiving terminal, (ii), when the requested resource is contained in a content that is currently being viewed, presenting the requested resource to the receiving terminal, and (iii), when the requested resource is contained in the other content that is not currently being viewed, presenting the upper-level resource to the receiving terminal and providing the receiving terminal with the plurality of pieces of license information based on a description of a startup document of the other content. Alkove also fails to disclose or suggest the above-mentioned distinguishing features required by claim 1.

Rather, Alkove teaches that a license is supplied to allow an end user to view a data stream portion that the end user has requested (i.e., the license is supplied in response to the user's request) (see paragraph [0021]).

Thus, in view of the above, it is clear that Alkove merely teaches that a license is supplied in response to a user request, but fails to disclose or suggest that, when the requested

resource is contained in a content that is currently being viewed, presenting the requested resource to the receiving terminal, and, when the requested resource is contained in the other content that is not currently being viewed, presenting the upper-level resource to the receiving terminal and providing the receiving terminal with the plurality of pieces of license information based on a description of a startup document of the other content, as required by claim 1.

Therefore, because of the above-mentioned distinctions it is believed clear that independent claim 1 and claim 2 that depends therefrom are not anticipated by Alkove.

Moreover, claim 1 recites that the receiving terminal includes a view processing section for, each time the plurality of pieces of license information are provided from the server, (i) setting, for view processing, all view licenses identified by the plurality of pieces of license information provided from the server and (ii) executing the view processing on a resource distributed from the server by using all the view licenses set for the view processing.

It is noted that a result of the above-mentioned structure required by claim 1 is that license information, about all of the resources contained in different content, is set when the startup document is newly referred to (e.g., even for resources which are not currently requested, view licenses are set for view processing), such that whichever resource in the different content is requested, the resource can be viewed immediately. This above-mentioned result of the structure required by claim 1 is not disclosed or suggested by Alkove, since Alkove merely teaches that a view license associated with a data portion requested by the user is supplied from a server.

Furthermore, there is no disclosure or suggestion in Alkove or elsewhere in the prior art of record that would have caused a person of ordinary skill in the art to modify Alkove to obtain

the invention of independent claim 1. Accordingly, it is respectfully submitted that independent claim 1 and claim 2 that depends therefrom are clearly allowable over the prior art of record.

Amended independent claims 5, 6 and 15 are directed to a server, a receiving terminal, and a program, respectively and each recite features that correspond to the above-mentioned distinguishing features of independent claim 1. Thus, for the same reasons discussed above, it is respectfully submitted that claims 5, 6 and 15 are allowable over Alkove.

## **VI. 35 U.S.C. § 103 Rejection**

Claims 1, 2, 5, 6, 14 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Russell (U.S. 2002/0049679) and Ginter (U.S. 5,892,900). The rejection regarding claim 14 is considered moot based on the above-mentioned cancellation. Further, this rejection is believed clearly inapplicable to amended independent claims 1, 5, 6, and 15 for the following reasons.

The distinguishing features of claim 1 are identified in Section V, above. These above-identified distinguishing features are not disclosed or suggested by any combination of Russell and/or Ginter.

Rather, Russell teaches that a main website displays, to the user, content that is available (see paragraph [0010]), and Ginter teaches dividing a file into at least two portions, including information content and permissions information (see Fig. 5).

Thus, in view of the above, it is clear that the combination of Russell and Ginter would merely result in content that is displayed, wherein multiple resources constitute the content. However, this combination does not disclose or suggest stored content containing (i) an upper-level resource to be first referred to within the content and to be displayed, (ii) a lower-level

resource to be referred to from the upper-level resource and to be displayed, and (iii) a startup document providing a plurality of pieces of license information, each respective piece of license information identifying a view license required for viewing all or a part of the resources contained in the content, as required by claim 1.

It is noted that the above-mentioned rejection states that the license data object 309, as illustrated in Fig. 3 of Russell, corresponds to the startup document, as recited in claim 1. However, if, as suggested in the rejection, the license data object 309 is regarded as the startup document, as recited in claim 1, then Russell cannot be said to include a disclosure that corresponds to the upper-level resource and the lower-level resource, as recited in claim 1, which together with the startup document, constitute the content, as recited in claim 1. Furthermore, Ginter also fails to disclose suggest the structure of the upper-level resource, the lower-level resource, and the startup document, as required by claim 1.

Furthermore, there appears to be no disclosure or suggestion in Russell and/or Ginter that, as discussed above in Section V, when the requested resource is contained in a content that is currently being viewed, presenting the requested resource to the receiving terminal, and, when the requested resource is contained in the other content that is not currently being viewed, presenting the upper-level resource to the receiving terminal and providing the receiving terminal with the plurality of pieces of license information based on a description of a startup document of the other content, as required by claim 1.

Therefore, because of the above-mentioned distinctions it is believed clear that independent claim 1 and claim 2 that depends therefrom would not have been obvious or result from any combination of Russell and Ginter.

Additionally, it is noted that Russell teaches that PD 416 provides an encrypted memory space for storage of license data objects created by a license generator located at the NOC and transferred to the UND (see Fig. 4).

As discussed above in Section V, a result of the above-mentioned structure required by claim 1 is that license information about all of the resources contained in different content is set when the startup document is newly referred to (e.g., even for resources which are not currently requested, view licenses are set for view processing), such that whichever resource in the different content is requested, the resource can be viewed immediately. This above-mentioned result of the structure required by claim 1 is not disclosed or suggested by Russell, since Russell merely teaches that license data objects created by a license generator are transferred to the UND.

Furthermore, there is no disclosure or suggestion in Russell and/or Ginter or elsewhere in the prior art of record that would have caused a person of ordinary skill in the art to modify Russell and/or Ginter to obtain the invention of independent claim 1. Accordingly, it is respectfully submitted that independent claim 1 and claim 2 that depends therefrom are clearly allowable over the prior art of record.

As mentioned above in Section V, amended independent claims 5, 6 and 15 are directed to a server, a receiving terminal, and a program, respectively and each recite features that correspond to the above-mentioned distinguishing features of independent claim 1. Thus, for the same reasons discussed above, it is respectfully submitted that claims 5, 6 and 15 are allowable over the combination of Russell and Ginter.

## VII. Conclusion

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

Tatsuya SHIMOJI et al.  
/Andrew L Dunlap/  
By: 2008.11.11 21:19:11 -05'00'

Andrew L. Dunlap  
Registration No. 60,554  
Attorney for Applicants

ALD/led  
Washington, D.C. 20006-1021  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
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